

REMARKS*Request to Withdraw Final Rejection*

The Rejection cites new art and sets forth new grounds for rejection. The new grounds were allegedly necessitated by amendments to the claims to recite a notch. A fair reading of claim 3, though, reveals that the claim as filed included a notch as an essential feature of the lever. Since the notch was recited in claim 3, the amendment of claim 2 did not add an element that necessitated a further search, so as to justify final rejection. While Applicants believe that the new art does not show their invention, Applicants only seek a fair opportunity to address the new grounds for rejection, including by amendment of the claims to further distinguish their invention. Accordingly, it is requested that the finality of the action be withdrawn and that Applicants be allowed a right to amend their claims.

Claim Rejection over Heling.

Claims 1-7 were rejected under 35 U.S.C. § 102(b) as anticipated by United States Patent No. 4,607,884, issued to Heling in 1986.

Heling shows a latch mechanism that utilizes a spring 70 to apply rotational force to a latch plate 62. The rejection points to the first position in Fig. 3 and the second position in Fig. 4. In the first position, the spring holds the plate in the first position, but

does not apply bias to the plate in the direction of the second position; otherwise the plate would rotate toward the second position, since nothing in Heling stops such rotation. In the second position, i.e., Fig. 4, the spring does not hold the plate in position. Rather that is accomplished by pin 58, without which the bias of the spring would return the plate toward the first position in Fig. 3.

In contrast, in Applicants' invention, the spring not only holds the lever in the first position, but also, and at the same time, biases the lever toward the second position. To appreciate Applicants' invention, attention is directed to Fig. 4 in Heling and compared to Applicants' system in the first position (as opposed to the second position, as considered by the rejection). In Fig. 4, the plate is held in position, and the spring biases the plate toward the position in Fig. 3. However, the plate is held in the position in Fig. 4 by the pin 58, which counters the spring bias, and without which the plate would move in response to the bias. The spring in Applicants' invention performs the functions of both the spring and the pin in Heling – both holding and biasing the lever.

Thus, Heling does not anticipate, or even suggest, Applicants' invention.

Claim 1 is directed to Applicants' spring biased lever system that includes a spring having an arm that engages the lever to hold the lever in the first position and concurrently bias the lever toward the second position. In Heling Fig. 3, the spring holds the plate without bias. In Heling Fig. 4, the spring biases the plate, but the plate is held by the pin. Fig. 3A in Heling only further reveals that the spring is not hold the plate, and

the position of the plate is determined by the pin, not the spring. Thus, Heling does not teach or suggest Applicants' invention in claim 1.

Claim 2 is similar to claim 1 but further recites that the lever includes a notch that is engaged by the spring arm. The rejection points to the notch 76 in Heling. It is because the spring is in the notch in both Fig. 3 and Fig. 4 that it cannot perform concurrent hold and bias functions. Rather, the sole function of the notch is to anchor the end of the spring for purposes of applying the bias in Fig. 4. Thus, as discussed above with regard to claim 1, the spring in Heling does not hold the plate in position while applying bias to move it to a second position, and so does not teach or suggest the system in claim 2.

Claim 3 is directed to Applicants' spring biased lever system and more particularly calls for a torsion spring. The claim further recites that the distal end of the spring arm is engaged in the notch to hold the lever in the first position and also bias the lever toward the second position. The spring in Heling either holds or biases, but doesn't do both at the same time, and so does not meet the limitations recited in claim 3.

Further as to claim 3, the claim points out that, in Applicants' invention, the distal end of the spring arm is disengaged from the notch in the second position. The rejection is incorrect in stating that the spring in Heling is disengaged from the notch in Fig. 4. First, Fig. 4 depicts the spring within the notch, same as in Figs. 3 and 3A. Indeed, in traveling between the extreme positions in Figs. 3 and 3A, nothing in Heling

contemplates that the spring exits and returns to the notch. Moreover, it is essential that the spring remain engaged in order to provide the desired bias. Even if sufficient force is applied to dislodge the spring, as suggested in the rejection, so that the assembly is broken, the spring no longer either holds or biases the plate, so that the assembly does not meet the elements of the claim.

For these reasons, Heling does not teach or suggest Applicants' invention in claim 3.

Claims 4 and 5 are dependent upon claim 3 and further recite that the spring arm when released from the notch slides along a surface of the lever to bias the lever to the second position. In Heling, the spring does not slide along a surface outside the notch, and so does not show this feature of Applicants' invention.

Claims 6 and 7 are dependent upon claim 3 and so not taught or suggested by Heling at least for the reasons set forth with regard to that claim.

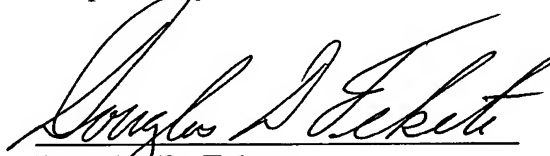
Therefore, it is respectfully requested that the rejection of the claims over Heling be reconsidered and withdrawn, and that the claims be allowed.

Conclusion

It is believed, in view of the amendments and remarks herein, that all grounds of rejection of the claims have been addressed and overcome, and that all claims are in condition for allowance. If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the phone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,

A handwritten signature in black ink, reading "Douglas D. Fekete", written over a horizontal line.

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